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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,423	09/24/2003	George Connors	1870-332	5807

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EXAMINER

LIN, ING HOUR

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/671,423

Applicant(s)

CONNORS ET AL.

Examiner

Ing-Hour Lin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 65, 70 and 78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 65, 70 and 78 contain the trademark/trade name “welan gum” where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe “polysaccharide binder” and, accordingly, the identification/description is indefinite.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 43-49, 52-53, 55-62, 65-67 and 69-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al.

Moore, Jr. et al (col. 2, lines 35+) substantially teach the claimed slurry composition for a mold including alumina and colloidal silica and investment casting method with a single coat (flask or bottle technique) (col. 9, lines 12+). Moore, Jr. et al fail to teach the use of silicon carbide, setting agent and polysaccharide gum for the slurry composition.

However, Banerjee et al (col. 2, lines 39+) teach the use of silicon carbide of the claimed particle size between 30 micrometer and 1.5 millimeters and weight percent or between 5-25 wt%, larger particle size of alumina of brown fused component between 100 micron and 3 millimeter, free carbon in the form of graphite of 5 wt.%, and setting agent such as 0.2 wt.%

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magnesia for the slurry composition for the purpose of effectively making steel-containment equipment including a investment mold having reduced drying time and reduced cracking for casting of superalloys. It would have been obvious to one having ordinary skill in the art to provide Moore, Jr. et al the use of silicon carbide, larger particle size of aluminum component, free carbon, and setting agent for the slurry composition as taught by Banerjee et al in order to effectively making investment mold having reduced drying time and reduced cracking for casting of superalloys.

Moore, Jr. et al in view of Banerjee et al fails to teach the use of polysaccharide gum. However, Anderson et al (col. 9, lines 7+) teach the use of polysaccharide gum (polysaccharide binder) for the purpose of effectively constructing an investment casting mold by controlling adhesion and viscosity of about 15000cps (col. 31, lines 31+) for the investment material containing the polysaccharide binder and effectively improving adhesion, plasticity and controlling setting time and obtaining a single coat in coating various external surfaces including making investment mold. It would have been obvious to one having ordinary skill in the art to provide Moore, Jr. et al in view of Banerjee et al the use of polysaccharide gum as taught by Andersen et al in order to effectively improve adhesion, plasticity and controlling setting time and obtaining a single coat in making investment mold.

Regarding claims 48, 69 and 77, Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al fails to teach a particular size distribution of alumina. However, the use of the alumina component comprising particles of screen size 6x14, 14x70 and -70 having a particular weight % distribution would have been obvious to one having ordinary skill in the art

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for the purpose of effectively improving adhesion, plasticity and setting time and obtaining a single coat in making the investment mold.

6. Claims 50 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al and Schramm.

Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al fails to teach the use of free carbon in the form of pitch or petroleum pitch. However, Schramm (col. 2, lines 39+) teaches the use of free carbon in the form of pitch or petroleum pitch for the purpose of substituting graphite and effectively reducing cost in making investment mold. It would have been obvious to one having ordinary skill in the art to provide Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al the use of free carbon in the form of pitch or petroleum pitch as taught by Schramm in order to substitute graphite and effectively reducing cost in making investment mold.

7. Claims 51 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al and Doles.

Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al fails to teach the use of fumed silica. However, Doles (col. 4, lines 60+) teaches the use of fumed silica (col. 8, lines 11+) for the purpose of making stronger coating in producing an investment mold. It would have been obvious to one having ordinary skill in the art to provide Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al the use of fumed silica as taught by Doles in order to make stronger coating in producing an investment mold.

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8. Claims 54 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al and Vandermeer et al.

Moore, Jr. et al view of Banerjee et al and further in view of Andersen et al fails to teach the use of polypropylene fiber. However, Vandermeer et al (col. 4, lines 53+) teach the use of polypropylene fiber for the purpose of building thicker coating and effectively making investment mold. It would have been obvious to one having ordinary skill in the art to provide Moore, Jr. et al in view of Banerjee et al and further in view of Andersen et al the use of polypropylene fiber as taught by Vandermeer et al in order to build thicker coating and effectively make an investment mold.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 43-78 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ing-Hour Lin whose telephone number is (571) 272-1180. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-173-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*I. H. Lin*

I.-H. Lin

5-19-06

**KEVIN KERNS**  
**PRIMARY EXAMINER**

*Kevin Kerns 5/22/06*